

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**CIVIL CONFERENCE
MINUTE ORDER**

BEFORE: A. KATHLEEN TOMLINSON
U.S. MAGISTRATE JUDGE

DATE: 5/3/12
TIME: 2:00 PM

Gonzalez, et al. v. Nicholas Zito Racing Stable, Inc., et al., CV 04-22 (AKT)

TYPE OF CONFERENCE: **TELEPHONE STATUS CONFERENCE**

APPEARANCES: Plaintiff Lloyd Ambinder
Suzanne Leeds
Delvis Melendez

Defendant Leo F. McGinity

SCHEDULING:

A pre-trial telephone conference is now set for July 12, 2012 at 1 p.m. Plaintiffs' counsel is requested to initiate the call to Chambers.

THE FOLLOWING RULINGS WERE MADE:

1. Counsel will prepare and submit their proposed Joint Pre-Trial Order, pursuant to my Individual Practice Rules. I have advised counsel that they can omit the information normally required under numbers 3, 4 and 5. The due date for filing the order on ECF is June 29, 2012.
2. The parties have been engaged in substantive settlement discussions since the decision was rendered on the summary judgment motions. They will continue to pursue these negotiations during the month of May.
3. If settlement cannot be achieved, plaintiffs are seeking to publish a proposed trial notice to the class at the tracks at Belmont and Saratoga. In addition, plaintiffs see the trial proceeding in a bifurcated fashion, the first portion being devoted to an inquest on damages with regard to the grooms' claims on which they were awarded summary judgment in their favor. The second portion would be a jury trial on liability and, if found, damages for the hotwalkers' claims. Counsel believe the trial will take approximately 5-7 days.
4. If the parties are unable to reach a settlement, they will submit a proposed publication order to the Court by June 15, 2012.
5. The trial date for this action is now set at September 4, 2012.

SO ORDERED

/s/ A. Kathleen Tomlinson
A. KATHLEEN TOMLINSON
U.S. Magistrate Judge